

April 18, 2013

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-12 (2013)
BRANT TOWN BOARD: “Copy of Resolution Supporting Phoenix's Law”
(5-0)
 - b. COMM. 7E-17 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Change Order No. 1 - Dewatered Sludge Pump Replacement”
(5-0)
 - c. COMM. 7E-20 (2013)
COUNTY EXECUTIVE: “ECSD Nos. 3 & 8 - Engineer Term Contract Agreement - DiDonato Associates”
(5-0)
 - d. COMM. 7M-4 (2013)
NYSDEC: “Fact Sheet: Tecumseh Update - Remedy Proposed for Site Contamination; Public Comment Period Announced”
(5-0)
 - e. COMM. 7M-7 (2013)
NYSDEC: “Public Notice: Inactive Hazardous Waste Disposal Site - Delist Notice for Site `Known as Ramco Steel”
(5-0)
 - f. COMM. 7M-8 (2013)
NYSDEC: “Fact Sheet: 154 S. Ogden Update - Interim Remedial Measure Proposed; Public Comment Period Announced”
(5-0)

- 2. COMM. 7E-7 (2013)
COUNTY EXECUTIVE
WHEREAS, the Town of Amherst via Town Board resolution 212-54 dated June 18, 2012 has requested that the County of Erie undertake the necessary steps required by Environmental Conservation Law Section 56-0508 to obtain Temporary Incidence of Ownership on the land parcel identified as 1815 Eggert Road, Amherst New York; and

WHEREAS, said land parcel has been abandoned and may require brownfield cleanup action due to its prior use as a dry cleaning business and gasoline station; and

WHEREAS, said parcel is over three years delinquent on County Taxes with a past due amount in excess of \$100,000; and

WHEREAS, prior to obtaining a Temporary Incidence of Ownership it is necessary for Erie County to commence foreclosure proceedings; and

WHEREAS, a Temporary Incidence of Ownership will allow access to the site by representatives from the New York State Department of Environmental Conservation to determine the presence of contaminated material and to conduct environmental remediation of the site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Attorney and the Erie County Director of the Division of Real Property are hereby authorized to commence foreclosure proceedings with respect to 1815 Eggert Road, Amherst, New York; and be it further

RESOLVED, that upon commencement of foreclosure proceedings the Erie County Executive is hereby authorized to obtain and execute all necessary documents and complete all necessary actions to secure a Temporary Incidence of Ownership in 1815 Eggert Road, Amherst, New York, for the purpose of allowing access to the site by appropriate environmental inspection officials to conduct necessary environmental testing and remediation activity; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Real Property; the Director of the Division of Budget and Management; the Comptroller’s Office; the County Attorney; and Hon. Barry A. Weinstein, the Amherst Town Supervisor.
(5-0)

3. COMM. 7E-8 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$86,000.00 in federal assistance to continue the implementation of the hazmat program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$86,000.00 in federal resources to provide funding for training of personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$86,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2012 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$86,000.00
Appropriations	Increase
Account 561410 Equipment (Lab & Tech)	62,300.00
Account 510100 Travel	5,000.00
Account 510200 Training & Education	3,000.00
Account 516030 Maintenance Contracts	<u>15,700.00</u>
Total Appropriations	\$86,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0)

4. COMM. 7E-9 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry currently produces maple syrup; and

WHEREAS, the Department of Parks, Recreation and Forestry is looking for other ways to sell and brand the maple syrup it produces; and

WHEREAS, Citymade, Inc. has expressed an interest in not only purchasing some of this aforementioned maple syrup to include in some of their Buffalo Baskets, but additionally open the possibility to advertise and sell online.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with Citymade, Inc. for the non-exclusive purpose of purchasing, selling and distributing maple syrup produced by the Department of Parks, Recreation and Forestry; and be it further

RESOLVED, that the County of Erie reserve the right to sell, resell and distribute maple syrup produce by the Department of Parks, Recreation and Forestry to itself and/or other venders; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, and the Assistant County Attorney, Kristen Walder, of the Law Department.
(4-1) Legislator Lorigo voted in the negative.

5. COMM. 7E-18 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 9E-10 (2011) Contract No. 43PS-E Electrical was awarded to Weydman Electric, Inc. for electrical work for the Cresent Avenue Pumping Station; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 43PS-E Electrical, in the final contract amount of \$208,636.12 which includes Change Order No. 1(final), a decrease of \$ 1,863.88, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 43PS-E Electrical between the County of Erie and Weydman Electric, Inc. (747 Young St Tonawanda, New York 14150) is accepted in the final contract amount of \$208,636.12 which includes Change Order No. 1 (final), a decrease of \$1,863.88, and is allocated in Erie County Sewer District No. 3 Bond Account C.00073; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 43PS-E Electrical to Weydman Electric, Inc., for a total contract amount of \$208,636.12; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

6. COMM. 7E-19 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 9E-10 (2011) Contract No. 43PS-G General/Mechanical was awarded to STC Construction, Inc. for construction of the Cresent Avenue Pumping Station; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 43PS-G General/Mechanical, in the final contract amount of \$299,175.00

which includes Change Order No. 1(final), a decrease of \$ 29,327.00, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 43PS-G General/Mechanical between the County of Erie and STC Construction, Inc. (63 Zoar Valley Rd., Springville, New York 14141-0459) is accepted in the final contract amount of \$299,175.00 which includes Change Order No. 1 (final), a decrease of \$29,327.00, and is allocated in Erie County Sewer District No. 3 Bond Account C.00073; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 43PS-G General/Mechanical to STC Construction, Inc., for a total contract amount of \$299,175; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

7. COMM. 7E-21 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 10E-6 (2010) Contract EC-7A, General was awarded to Nichols, Long & Moore Construction Corp. for general work for the Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Improvements; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, Erie County Sewer District No. 4 has adequate cash in its capital reserve account C.00034; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. EC-7A, General, in the final contract amount of \$3,122,514.07 which includes Change Order No. 3 (final), an increase of \$40,804.07, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. EC-7A, General between the County of Erie and Nichols, Long & Moore Construction, Corporation (149 Gunnville Rd, Lancaster, NY 14086) is accepted in the final

contract amount of \$ 3,122,514.07 which includes Change Order No. 3 (final), an increase of \$ 40,804.07, and is allocated in Erie County Sewer District No. 4 Bond Account C.00063; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller are authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 4 project C.00063 by \$50,000; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$50,000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 to Sewer District No. 4 Capital Project C.00063 and to establish all budgeting accounts necessary to facilitate the transfer of \$50,000; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract EC-7A, General, to Nichols, Long & Moore Construction Corp. for a total contract amount of \$ 3,122,514.17; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

TERRENCE D. McCRACKEN
CHAIR